

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION – BAY CITY

IN RE:

BOYCE HYDRO, LLC, et al.

Debtors.¹

Case No. 20-21214-dob
Chapter 11 Proceeding
Hon. Daniel S. Opperman

ORDER DENYING LIQUIDATING TRUSTEE’S MOTION TO ENFORCE ORDER
CONFIRMING PLAN AGAINST THE STATE OF MICHIGAN;
THE DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY;
AND THE DEPARTMENT OF NATURAL RESOURCES

For the reasons stated in an Opinion of even date;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Liquidating Trustee’s Motion to Enforce Order Confirming Plan Against the State of Michigan; the Department of Environment, Great Lakes, and Energy; and the Department of Natural Resources is DENIED;

IT IS FURTHER ORDERED that, as stated by Counsel for the State of Michigan; the Department of Environment, Great Lakes, and Energy; and the Department of Natural Resources, and as described in the contemporaneous Opinion of this Court, any decision in the Ingham County Action or the Western District Action as described in the contemporaneous Opinion of this Court shall have no preclusive or precedential effect in any action brought by or on behalf of any flood survivor;

¹ The Debtors in these Chapter 11 cases, along with the last four digits of each Debtor’s federal taxpayer identification number, are: (i) Boyce Hydro, LLC (6694), Case No. 20-21214 and (ii) Boyce Hydro Power, LLC (3034), Case No. 20-21215.

IT IS FURTHER ORDERED that, as described in the contemporaneous Opinion of this Court, the State of Michigan; the Department of Environment, Great Lakes, and Energy; and the Department of Natural Resources, are barred by judicial estoppel from taking positions regarding the flood survivors contrary to those it has taken in this bankruptcy proceeding;

IT IS FURTHER ORDERED that pursuant to the confirmed Fourth Modified Joint Consolidated Plan of Liquidation, the State of Michigan; the Department of Environment, Great Lakes, and Energy; and the Department of Natural Resources, are limited to enforcement of police powers and enforcement of pecuniary interests by these entities are enjoined.

Signed on November 22, 2021



/s/ Daniel S. Opperman

Daniel S. Opperman
United States Bankruptcy Judge